

January 25, 2016

LEGISLATIVE COMMITTEE REPORT

A Legislative Committee meeting was held on Monday, January 25, 2016 at 6:00 p.m. at the Benton County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas.

Committee Members Present: JPs K. Harrison, Easley, J. Harrison, Sandlin, Anglin, Chiocco,*
Slinkard, Meyers

Others Present: Assessor Linda Hambrick

Media: Tom Sissom – Northwest Arkansas Democrat-Gazette

Legislative Committee chair JP K. Harrison called the meeting to order at 6:02 p.m.

Public Comments

Mike Clifford of Bentonville expressed concern about the state of Arkansas being in debt with the pension plan; he said that this issue needs to be addressed.

Discussion: Setting Goals to Accomplish in 2016

JP K. Harrison stated that the purpose of the meeting is lay out an agenda of things that they would like to accomplish this year.

JP K. Harrison first brought up the topic of jail fees. He would like to come up with a plan so that there is an increase each year until they get where they need to be. He said that it needs to be something that both the state and the counties can live with.

JP Sandlin asked if he is proposing a percent increase every year or every other year.

JP K. Harrison said it is open to discussion. He wants something reasonable but he also does not want it to keep falling further behind.

JP Slinkard asked what the state law says about it.

JP K. Harrison said that he has done a lot of research on it. He stated that, back at the last time that they did a raise prior to this one, it was understood that the legislative audit would do the audits of the jails, provide recommendations on where it should be, and then the legislative body was supposed to work on funding it as the prices went up. The problem is that they went twenty years without increasing the funding so they are now twenty years behind. He realizes that it is going to take some time to catch up but he feels that they, as a body, need to submit a reasonable plan to the Arkansas Association of Counties to take to the legislatures. He suggests not doing a one-time raise like they did last year, but increasing it in little increments so that the counties are not losing money for the state prisoners. He believes that once it is adjudicated and they become a ward of the state, the county should receive reasonable reimbursement.

*JP Chiocco entered the meeting.

Lengthy discussion was held about how to move forward on this matter.

JP Sandlin said if they came up with a proposal that it would ultimately come out of the Arkansas Association of Counties. She suggested some type of verbiage like: “biennial or annual until it meets the legislative audit’s average cost.” She stated that this gives legislature, the audit division and the Arkansas Association of Counties some broad parameters to work with. She said that they need to visit with their legislators and let them know. She then said she would also add to the verbiage to meet with the Sheriff’s Association and the County Judge’s Association, so that they and the Quorum Court will be united.

JP K. Harrison suggested that the Arkansas Association of Counties also meet with the Municipal League.

JP Slinkard stated that, if they go through the AAC, they should visit with them to find out what the latest is about raising the cost of housing prisoners in the county jails.

JP Anglin said the legislators were clear that it was going to be fixed but it was not going to be immediate; that the county needs to be patient.

JP K. Harrison said he understands that but they need to keep bringing it up so it does not get forgotten.

JP Meyers said that, a year or so ago, Linda Collins-Smith, Rebecca Petty and Sue Scott were all going to look at revising Act 1259 or SB 159 which gives the Quorum Court the ability to authorize people to carry guns in the courtroom. He would like them reminded that they were going to look at it and see what they wanted to do with it.

Lengthy discussion was held concerning elected officials charged with a felony and if they should be suspended and removed from office until the disposition of the case. JP K. Harrison stated that there is a precedent for such action in Benton County and cited an example of such. JPs Chiocco, Sandlin, J. Harrison and Meyers spoke out against any future legislation, emphasizing that the law is “innocent until proven guilty” and that the elected officials are chosen by the people.

JP Slinkard stated that there is no recall provision in the state of Arkansas. She reminded the committee that there are 135 people in Little Rock who pass the laws and any law change has to go through those people; they need to remember that the law will affect everyone in the state. She stated that the law is pretty clear that they cannot mandate to another elected official or prosecuting attorney to do anything. She feels that it would be fruitless to even propose any change to the state legislature. JP K. Harrison stated that they will not work anymore on this matter.

JP Sandlin called Mike Clifford back to the podium to speak about the retirement plan. She said that, at one point in time, Teachers was pulling the pension plan down because they had made some bad investments and had brought them in to the retirement portfolio. She said that the county itself used to be in good shape.

Mike Clifford said he does not have that information but every state has this problem. He said that they are heading down the wrong path – they either need to fund the pension plan to get it back into the black or turn it into a 401K.

Discussion was held about the pension plan.

JP Anglin said that they should find out more information from the legislators about this subject.

JP Slinkard stated that she will get reports from the APERS people in Little Rock that will provide this information.

JP Anglin said that, back when they were doing the budget, they were having a discussion about what to do with the elected officials and pay raises.

JP Sandlin said that the state's formula is according to the size of the county. They determine the brackets but each county handles it themselves. She said that it was previously discussed that Benton County is a certain percentage below what had been agreed upon and then the subject was dropped. She said that the elected officials ended up getting the same 2% as the employees, except for the Quorum Court

JP K. Harrison stated that they will need to set a meeting to discuss it and ask Human Resources Director Barb Ludwig to come to the meeting.

JP Slinkard said that there is a minimum and a maximum that the Arkansas Association of Counties always brings to the legislature but there is only a certain amount they can raise on the max level. She said that all this legislative body needs to do is decide the percentage that they want to do. If they set that as a policy in this county, then that is what they are going to get in increments of that percentage without having to go through the process every time.

JP Meyers stated that he remembers it being very simple - what they basically said is whatever percentage increase the elected officials get, the JPs would automatically get the same percentage in per diem. He thinks they passed it on to the Finance Committee.

JP K. Harrison said they need to determine what they think, draft an ordinance, send it to the Finance Committee and they can pass it if they want. He said that Personnel may also need to look at it.

JP Sandlin said that would be fine but she will need to get with Barb Ludwig. Then they could have a mini-meeting of the Legislative Committee to verify that is what they want to do and then send it on to the Finance Committee. She said that, since it involves the elected officials, it does not have to go through the Personnel Committee.

Further discussion was held on the best way to handle increases for the elected officials (including the JPs) and if elected officials should get a raise on the years when the employees do not.

Assessor Linda Hambrick stated her belief is that employees should get raises before the elected officials because they are more important.

JP K. Harrison said that they have almost always done that. He stated he would call a Legislative Committee meeting between now and budget to talk about it, work out the details, set an amount for the elected officials as far as a percentage to go up to until they get back to where they are supposed to be, and send it on to the Finance Committee.

JP K. Harrison asked JP Anglin if there is anything from the Arkansas Association of Counties that needs to be discussed.

JP Anglin stated that the AAC has not had their spring meeting yet and she has not received anything new other than the highway funding. She said, as long as the counties do not lose money, they are supporting the governor's plan.

JP Slinkard said that she has been going through the Benton County Code of Ordinances and looking for things that may need to be repealed. She said there is a section in the code that calls for compensation for justice court. She said that was done in 1979 by a county ordinance and has no reference to a state law.

JP K. Harrison said that the state repealed justice courts a long time ago.

JP Slinkard explained what justice court was and why this section of the code needs to be repealed.

JP Slinkard then began a brief discussion of how ordinances and resolutions are passed through the committees and on to Quorum Court. She feels that there should be more discussion about these items at Quorum Court because, even though it has been through all the committees, the public may not know what it is about by the time it is voted on at the Quorum Court meeting.

Sharon Whelcher, a candidate for Justice of the Peace District No. 1, spoke about the possibility of building tiny houses for displaced veterans. Discussion was held regarding the logistics of this idea and how it might be implemented.

JP K. Harrison stated that the first step would be to talk to the county attorney. He said that he would like to have a Legislative Committee meeting in which County Attorney George Spence is present and bring the idea up to him. He would like to ask him what requirements there are for county government and what recommendations he may have.

Discussion: Amending Benton County Code of Ordinances Sec. 2-49. – Agenda; Sponsor: JP Brent Meyers

JP Meyers stated that he is requesting this change because the JPs need to have the information of what they are going to vote on so that they have adequate time to review it before the vote. He said that County Attorney George Spence approved his proposed revision to this section about two months ago. He stated that this morning he received a revision from George Spence via email and he passed out a copy of this language to all of the JPs. He questioned if “resolutions” needs to be included in the wording. A short discussion was held about the proper wording of such an amendment.

JP Meyers made a motion to forward the original revised paragraph (b) to be inserted into Section 2-49 with the wording changed from “appropriations” to “resolutions” to the February 09, 2016 Committee of the Whole agenda, seconded by JP J. Harrison.

JP Slinkard stated that resolutions are before ordinances in the code book and she thinks it should be worded that way.

JP Chiocco asked what the differences are in the first revision and the second one.

JP Meyers stated he just got the email this morning and he has not actually spoken to George Spence about it.

JPs Slinkard said that she likes George Spence’s proposed wording better as it is more in line with how the code is already written.

JP Meyers withdrew his previous motion, seconded by JP J. Harrison

JP Meyers made a motion to amend Section 2-49 of the Code of Ordinances of Benton County by inserting George Spence’s suggested wording from the email as paragraph (b), to change the existing paragraph (b) to paragraph (c), and to forward it to the February 09, 2016 Committee of the Whole agenda, seconded by JP Chiocco.

Motion passed by unanimous show of hands vote.

JP Meyers made motion to adjourn, duly seconded.

JP K. Harrison declared the meeting adjourned at 7:45 p.m.